



11-19-07

PATENT APPLICATION

DAC  
18

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bendele, et. al.

Serial No.: 10/621,784

Group Art Unit No.: 1649

Filed: July 16, 2003

Examiner: Christina Borgeest

For: USE OF IL-1 INHIBITORS FOR TREATING IL-1 MEDIATED DISEASES

Docket No.: A-398G

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional and petition that the application be revived and reinstated as a pending application.

A proposed response to the outstanding Office Action dated June 13, 2006 accompanies this petition.

Please charge Deposit Account No. 01-0519 in the amount of \$1,540.00. This amount covers \$1,540.00 for the Petition (\$1.17(m)) An original and two copies of this paper are enclosed. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 01-0519.

Applicants request favorable action on this petition.

Respectfully submitted,

Randolph N. Mohr  
Attorney for Applicants  
Registration No.: 45,590  
Phone: (805) 447-8949  
Date: November 16, 2007

Please send all future correspondence to:

**21069**

U.S. Patent Operations/MKH  
Dept. 4300, M/S 28-2-C  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, California 91320-1799, USA

11/19/2007 ATRINH 00000018 010519 10621784  
01 FC:1453 1540.00 DA

## EXPRESS MAIL CERTIFICATE

"Express Mail" mail labeling number: EL 732698525 US

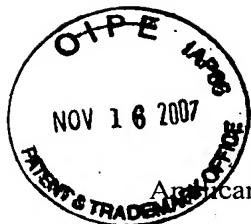
Date of Deposit: November 16, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen Podgorny

Printed Name

  
Signature



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P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER 37 C.F.R. 3.73(b)**

Amgen Inc. (hereinafter "Amgen"), a corporation of the State of Delaware having a place of business at One Amgen Center Drive, Thousand Oaks, California, 91320, is the assignee of the entire right, title, and interest in the above-identified U.S. patent application. Documentary evidence of a chain of title from the original owner(s) to Amgen is demonstrated by:

- ☐ the enclosed copy of an Assignment is being filed for recordation by the United States Patent and Trademark Office.  
OR  
☒ the assignment recorded in the United States Patent and Trademark Office at Reel 010021, Frame 0865.

The undersigned, whose title is supplied below, is empowered to sign this statement on behalf of Amgen.

**POWER OF ATTORNEY BY ASSIGNEE**

Amgen hereby appoints the registered practitioners at Customer Number **21069** to prosecute this application, to make and to transact all business in the Patent and Trademark Office connected therewith.

**REQUEST FOR CHANGE OF CORRESPONDENCE ADDRESS**

Please send all future correspondence and direct telephone calls to Customer Number **21069**.

Respectfully submitted,

Date

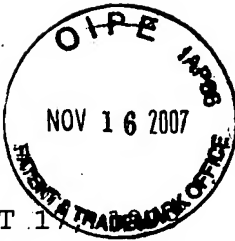
Oct 31, 2007

By

Stuart L. Watt  
Stuart L. Watt

Title Vice President, Law

Enclosure: Copy of Assignment



AUG 25 1999



4-2781  
**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AUGUST 17

PTAS



\*101067978A\*

AMGEN INC.  
THOMAS D. ZINDRICK  
ONE AMGEN CENTER DRIVE  
DEPT. 430, M/S 27-4-A  
THOUSAND OAKS, CA 91320-1799

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/04/1999

REEL/FRAME: 010021/0865  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

BENDELE, ALISON M.

DOC DATE: 05/20/1999

**ASSIGNOR:**

SENNELLO, REGINA M.

DOC DATE: 05/19/1999

**ASSIGNEE:**

AMGEN INC.  
ONE AMGEN CENTER DRIVE  
M/S 27-4-A  
THOUSAND OAKS, CALIFORNIA  
91320-  
1799

SERIAL NUMBER: 09326260  
PATENT NUMBER:

FILING DATE: 06/04/1999  
ISSUE DATE:

010021/0865 PAGE 2

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



Revised Form PTO-1595  
(Rev. 6-93)

RECORD

06-17-1999



101067978

U.S. Department of Commerce  
Patent and Trademark Office

A-398E

To the Honorable Commissioner of Patents and Trademarks

original documents or copy thereof.

1. Name of conveying party(ies):  
Alison M. Bendele and Regina M. Sennello

2. Name and address of receiving party(ies):  
Name: Amgen Inc.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Internal Address: M/S 27-4-A

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Street Address: One Amgen Center Drive

City: Thousand Oaks State: CA Zip: 91320-1799

Execution Date: 5/20/99 & 5/19/99

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the **filing** date of the application is: 6/4/99

A. Application No.:

B. Patent No.(s)

09/326260

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: U.S. Patent Operations/TDZ

Internal Address: Dept. 430, M/S 27-4-A

AMGEN INC.

Street Address: One Amgen Center Drive

City: Thousand Oaks State: CA Zip: 91320-1799

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) ..... \$ 40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account.

8. Deposit account number: 01-0519

- ☒ The Commissioner is hereby authorized to charge any additional filing fees which may be required or credit any overpayment to Deposit Account No. 01-0519

06/16/1999 JSHABAZZ 00000082 010519 09326260

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40.00 CH

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document

Thomas D. Zindrick

Name of Person Signing

Signature

June 4, 1999

Date

Total number of pages including cover sheet, attachments, and document: 4

# ASSIGNMENT

Whereas, we, Alison M. Bendele, 6583 Magnolia Road, Nederland, Colorado 80466 U.S.A.  
Regina M. Sennello, 948 Deer Trail Road, Boulder, Colorado 80302

have made an invention which is the subject of an application for Letters Patent of the United States ("Application")  
entitled

## COMBINATION THERAPY USING AN IL-1 INHIBITOR FOR TREATING IL-1 MEDIATED DISEASES

which is found in:

- ☒ (a) the U.S. Patent Application executed on even date herewith;
- ☐ (b) the U.S. Patent Application executed on \_\_\_\_\_
- ☒ (c) PCT Application No.: PCT/US97/22720 filed on December 8, 1997  
claiming priority to U.S. Provisional Serial No. 60/032,790 filed on December 6, 1996;  
U.S. Provisional Serial No. 60/036,353 filed on January 23, 1997;  
U.S. Provisional Serial No. 60/039,311 filed on February 7, 1997 and  
U.S. Provisional Serial No. 60/052,025 filed on July 9, 1997
- ☐ (d) U.S. Patent No.: \_\_\_\_\_

Whereas AMGEN INC., a Delaware corporation having its principal place of business at One Amgen Center Drive, Thousand Oaks, California 91320-1799, wishes to acquire the entire interest in all inventions disclosed in such Application:

Now, therefore, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over unto AMGEN INC., its successors and assigns (collectively "AMGEN") our entire right, title and interest in, to and under the Application, and any provisional application(s) from which Application is derived, and all priority rights to which the Application may be entitled, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries which may be granted for such inventions, or any of them, including divisional, continuation, and/or continuation-in-part applications based on the above-identified Application, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by AMGEN for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

Further, we hereby sell, assign, transfer, and set over unto AMGEN our entire right, title and interest in or to the right to refer to, to access, and to control microorganism(s) or other biological material(s) related to the Application and which are deposited by us or at our direction or deposited on our behalf by Amgen, its affiliates, employees or employees of its affiliates. The transfer of such right, title and interest includes, without limitation, our unreserved and irrevocable consent and authorization to AMGEN to refer to the deposited microorganisms(s) or other biological materials(s) in the Application and the right to make available to the public the deposited material in accordance with the laws, treaties, statutes, rules, regulations and the like of the United States, all other countries, and any patent granting authority or organization.

We authorize and request the Commissioner of Patents and Trademarks of the United States to issue any such Letters Patent which may be granted on the Application to AMGEN as assignee of the entire right, title and interest therein and thereto.

For ourselves and for our legal representatives, we covenant and agree with AMGEN that we have not granted to any others any license to make, use or sell any of such inventions, that our right title and interest in such inventions has not been encumbered, that we have good right and title to sell and assign the same, and that we will not execute any instrument in conflict herewith.

For ourselves and for our heirs, successors and legal representatives, we further covenant and agree with AMGEN that upon request we and they will: (i) execute continuing, divisional or reissue applications, amended specifications, or rightful declarations or oaths; (ii) communicate to AMGEN any facts known to us or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any interference proceedings or litigations; (iv) execute and deliver any application papers, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for AMGEN, may be necessary or desirable to secure the grant of Letters Patent to AMGEN or its nominees, in the United States and in all other countries where AMGEN may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for AMGEN and to vest and confirm in AMGEN or its nominees, the full and complete legal and equitable title to all such Letters Patent, without further consideration than that now paid but at the expense of AMGEN.

In Witness Whereof I have executed this assignment on the 20<sup>th</sup> day of May 19 99

Alison M. Bendele  
(Name of Inventor)

Alison M Bendele  
(Signature of Inventor)

# UNITED STATES OF AMERICA

State of Colorado

County of Boulder } ss:

May 20<sup>th</sup> 19 99

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared Alison

M. Bendele

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]  
Notary Public

My commission expires  
THOMAS J. ORLANDO  
MY COMMISSION EXPIRES 09/12/2001 19 \_\_\_\_  
1650 30TH STREET  
BOULDER, CO 80302

In Witness Whereof I have executed this assignment on the 19 day of May 19 99

Regina M. Sennello  
(Name of Inventor)

Regina M. Sennello  
(Signature of Inventor)

# UNITED STATES OF AMERICA

State of Colorado  
County of }

ss:

May 19 19 99

Before me, a Notary Public for Denver County, State of Colorado, personally appeared \_\_\_\_\_

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires 03/16/2002

Notary Public

My commission expires

3/16 2002